

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS

FILED

No. 00-40337

FEB 01 2002

D.C. Docket No. 1:96-CV-749

CHARLES R. FULBRUGE III
CLERK

MATTHEWS SMITH; JOHN COMEAUX; JOHN LUMPKINS; KENNETH FORD;
DARLENE GREENE; ET AL

Plaintiffs - Appellees

v.

TEXACO, INC; ET AL

Defendants

ARAMCO SERVICES COMPANY; SAUDI REFINING, INC; SHELL OIL COMPANY;
STAR ENTERPRISE; TEXACO, INC; TEXACO REFINING AND MARKETING
INCORPORATED; TEXACO REFINING AND MARKETING EAST INC

Defendants - Appellants

Appeals from the United States District Court for the
Eastern District of Texas, Beaumont.

Before REAVLEY, SMITH, and DeMOSS, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.

It is ordered and adjudged that the opinion of this court, issued as the judgment on August 22, 2001, is WITHDRAWN.

It is ordered and adjudged that because the district court has dismissed, with prejudice, all claims in the underlying action, that court's order of March 7, 2000, certifying the class, which is the subject of this appeal under Fed. R. App. P. 23(f), is hereby VACATED.

It is ordered and adjudged that we leave in place the November 19, 2001, final judgment of the district court, approving the settlement class and dismissing all claims with prejudice.

ISSUED AS MANDATE: FEB 01 2002

A true copy

Test

Clerk, U. S. Court of Appeals, Fifth Circuit

By Sabrina B. Short
Deputy

New Orleans, Louisiana

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